

STATE PERSONNEL BOARD CALENDAR



JULY 10, 2007

SACRAMENTO

State of California

Memorandum

DATE: June 29, 2007

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the **July 10, 2007**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on July 10, 2007, at offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the July 10, 2007, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

A handwritten signature in black ink, appearing to read 'Karen Yu', with a stylized flourish at the end.

Karen Yu
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street²
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

FULL BOARD MEETING – JULY 10, 2007

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

²Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4th Street, Los Angeles, California.

FULL BOARD MEETING AGENDA³

JULY 10, 2007
9:00 a.m. – 2:00 p.m.
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 9:45 a.m.)

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose**
- 3. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA)
– DPA Representatives**
- 4. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)
– Maeley Tom**
- 5. REPORT OF THE CHIEF COUNSEL – Elise Rose**
- 6. NEW BUSINESS**
- 7. REPORT ON LEGISLATION – State Personnel Board Staff**

Items may be raised by Board Members for scheduling and discussion for future meetings.

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

³ The Agenda for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

(9:45 a.m. – 10:15 a.m.)

8. **PUBLIC HEARING – PROPOSED AMENDMENTS TO REGULATIONS CONCERNING PROCEDURES THAT APPLY TO COST SAVINGS PERSONAL SERVICES CONTRACTS UNDER GOVERNMENT CODE SECTION 19130(a)**
- Bruce Monfross, State Personnel Board

(10:15 a.m. – 10:45 a.m.)

9. **ORAL ARGUMENT**

In the matter of **CASE NO. 05-4007EA**. Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(10:45 a.m. – 11:00 a.m.)

10. **EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

CLOSED SESSION OF THE STATE PERSONNEL BOARD PURSUANT TO
COPELY PRESS, INC. v. SUPERIOR COURT (2006) 39 CAL. 4TH 1272

(11:00 a.m. – 11:30 a.m.)

11. **ORAL ARGUMENT**

In the matter of **CASE NO. 06-0760A**. Appeal from rejection during probation. Parole Agent I (Adult Parole). Department of Corrections and Rehabilitation.

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(11:30 a.m. – 12:00 p.m.)

12. ORAL ARGUMENT

In the matter of **PERSONAL SERVICES CONTRACT NO. 07-01**. Appeal of the Department of the California Highway Patrol (CHP) from the Executive Officer's February 21, 2007, Disapproval of CHP's Personal Services Contracts for Custodial Services at the following offices: Torrance Area Office (RFP 078CP62001); Yolo Area Office (RFP 078CP6159); Burney Area Office (RFP 078CP5634R); Anaheim Area Office (RFP 078CP6171); Los Angeles Area Office (RFP 078CP6167); Monterey Park Area Office (RFP 078CP6170); Oceanside Area Office (RFP 078CP6141); Blythe Area Office (RFP 078CP6139); Santa Ana Area Office (RFP 078CP5905R); and Redwood City Area Office (RFP 078CP6143I)

(12:00 p.m. – 1:00 p.m.)

LUNCH

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(1:00 p.m. – 1:30 p.m.)

13. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

14. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (c)(3), and 18653.]

15. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.
Sacramento Superior Court Case No. 07CS00461

16. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

17. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(1:30 p.m. – Onwards)

**18. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF
JULY 24, IN SACRAMENTO, CALIFORNIA**

BOARD ACTIONS:

**19. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF
JUNE 5, 2007**

20. EVIDENTIARY CASES - (See Case Listings on Pages 13–21)

**21. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Agenda on Pages 27–28)**

22. NON-EVIDENTIARY CASES - (See Case Listings on Pages 21–24)

23. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

STAFF SERVICES ANALYST/GOVERNMENTAL PROGRAM ANALYST

The State Personnel Board (SPB) in conjunction with the Department of Personnel Administration (DPA) and the Service Employees International Union (SEIU), Local 1000 propose revisions to the Staff Services Analyst (SSA) (General) class specification, as an alternative to the establishment of the proposed Governmental Program Analyst (GPA), as heard at the April 3, 2007 and May 8, 2007 Board meetings.

CONSTRUCTION FINANCING SERIES

The Office of Statewide Health Planning and Development proposes the following revisions to the existing departmental class series titled Construction Financing: establishment of a new deep class of Health Facility Construction Financing Specialist; adoption of Alternative Range Criteria 453; adoption of proposed twelve month probationary period for two new classes; reallocation of incumbents in the Construction Financing Series to appropriate classes in the Health Facility Construction Series.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

24. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

25. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

DEPUTY DIRECTOR, ADMINISTRATION DEPARTMENT

The Board of Equalization proposes to re-allocate the existing CEA allocation of Deputy Director of Administration. The Deputy Director, Administration Department provides consultation and advises the Executive Director and Board Member on program and policy issues with respect to the financial, facility, personnel, planning, and revenue impact to the agency's programs.

CHIEF TECHNOLOGY OFFICER

The Board of Equalization (BOE) proposes to allocate the above position to the CEA category. The Chief Technology Officer provides leadership and guidance for the Board's enterprise IT program operations and serves as a member of BOE's IT Governance Council.

ASSISTANT CHIEF COUNSEL, ADMINISTRATIVE LITIGATION, DEPARTMENT OF HEALTH CARE SERVICES

The Department of Health Care Services proposes to allocate the above position to the CEA category. The Assistant Chief Counsel, Administrative Litigation, is responsible for developing and communicating legal policy and consistently implementing that policy in all administrative litigation cases. Legal policy development, by this position, involves diverse program areas but primarily focuses on the Medi-Cal program, due to its significant size both in program staffing and in the population of 6.8 million people that it serves.

ASSISTANT CHIEF COUNSEL, CONTRACTS AND PREVENTION, DEPARTMENT OF PUBLIC HEALTH

On behalf of the Department of Public Health the Department of Health Care Services proposes to allocate the above position to the CEA category. The Assistant Chief Counsel, Contracts and Prevention, plans, organizes and directs the provision of legal services and policy advice for the California Department of Public Health.

ASSISTANT CHIEF COUNSEL, LICENSING & ENFORCEMENT AND ADMINISTRATIVE LITIGATION, DEPARTMENT OF PUBLIC HEALTH

On behalf of the Department of Public Health, the Department of Health Care Services proposes to allocate the above position to the CEA category. The Assistant Chief Counsel, Licensing and Enforcement and Administrative Litigation, plans, organizes and directs the provision of legal services and policy advice for the California Department of Public Health.

**ADVISOR TO THE DIRECTOR ON SERVICE GOVERNANCE,
DEPARTMENT OF TECHNOLOGY SERVICES (DTS)**

The Department of Technology Services proposes to allocate the above position to the CEA category. The Advisor to the Director on Service Governance develops Statewide Information Technology (IT) governance policies, and advises on complex financial and operational issues, and future service offerings that affect the DTS and customer departments.

**CHIEF OF SUPPORT OPERATIONS, CSP SAN QUENTIN, DIVISION
OF CORRECTIONAL HEALTH CARE SERVICES, DEPARTMENT OF
CORRECTIONS & REHABILITATION**

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief of Support Operations for the institution medical department will be responsible for policy formulation and implementation to carry out the administrative functions of the Medical Department of California State Prison, San Quentin. The Chief will act as the primary policy advisor to the Health Care Manager and specified areas of the Office of the Receiver.

**DEPUTY DISTRICT DIRECTOR, NORTH REGION RIGHT OF WAY,
DEPARTMENT OF TRANSPORTATION**

The Department of Transportation proposes to allocate the above position to the CEA category. The Deputy District Director, North Region Right of Way develops and implements policies to ensure that all projects are aggressively managed to meet the goals of the department, and that the Right of Way Programs are properly executed, which includes monitoring allocations, encumbrances and expenditures; as well as providing policy development and guidance for the strategic direction of the Program; implementation of programs; and management techniques impacting the goals and objectives of the Right of Way strategic plan.

**DEPUTY DISTRICT DIRECTOR, CENTRAL REGION RIGHT OF WAY,
DEPARTMENT OF TRANSPORTATION**

The Department of Transportation proposes to allocate the above position to the CEA category. The Deputy District Director, Central Region Right of Way develops and implements policies to ensure that all projects are aggressively managed to meet the goals of the department, and that the Right of Way Programs are properly executed, which includes monitoring allocations, encumbrances and expenditures; as well as providing policy development and guidance for the strategic direction of the Program; implementation of programs; and management techniques impacting the goals and objectives of the Right of Way strategic plan.

**CHIEF, PLATA SELECTION SERVICES, DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

On behalf of the Office of the Federal Receiver, the Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief, *Plata* Selection Services, is charged with developing and implementing policy and procedures in the area of selection that is necessary to accomplish the mission of the Receiver by identifying and implementing innovated selection policies and techniques.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF CONSOLIDATION ADMINISTRATOR
CHIEF, CONSOLIDATION TECHNOLOGIST**

The Department of Technology's proposal to extend the limited term approval for the above positions to the CEA category through June 30, 2008 has been approved effective May 15, 2007.

ASSISTANT EXECUTIVE OFFICER, OFFICE OF CLIMATE CHANGE

The Air Resources Board's proposal to reallocate the existing CEA allocation titled Program Manager for Motor Vehicle Greenhouse Gas (GHG) Emissions to the above titled position has been approved effective May 18, 2007.

**ASSISTANT GENERAL MANAGER, ADMINISTRATION AND
MARKETING DIVISION**

The Prison Industry Authority's proposal to reallocate the existing CEA allocation titled Assistant Deputy Director, Marketing to the above titled position has been approved effective May 21, 2007.

PROGRAM DIRECTOR, INMATE DENTAL SERVICES PROGRAM

The Department of Corrections and Rehabilitation's proposal to allocate the above position to the CEA category has been approved effective May 29, 2007.

EXECUTIVE PROJECT DIRECTOR, HR MODERNIZATION PROJECT

The Department of Personnel Administration's proposal to allocate the above position to the CEA category has been approved effective May 29, 2007.

**DEPUTY PROJECT DIRECTOR, CLASSIFICATION AND
COMPENSATION**

The Department of Personnel Administration's proposal to allocate the above position to the CEA category has been approved effective May 29, 2007.

**DEPUTY PROJECT DIRECTOR, SYSTEM AUTOMATION, HR
MODERNIZATION PROJECT**

The Department of Personnel Administration's proposal to allocate the above position to the CEA category has been approved effective May 29, 2007.

**DEPUTY PROJECT DIRECTOR, RECRUITMENT AND SELECTION, HR
MODERNIZATION PROJECT**

The Department of Personnel Administration's proposal to allocate the above position to the CEA category has been approved effective May 29, 2007.

SPECIAL ADVISOR, POLICY AND PROGRAMS

The Office of the Inspector General's proposal to allocate the above position to the CEA category has been approved effective May 31, 2007.

**CHIEF, SYSTEMS OF HEALTH SERVICES, DEPARTMENT OF
HEALTH SERVICES**

The Department of Health Service's proposal to allocate the above position to the CEA category has been approved effective June 13, 2007.

**CHIEF, FISCAL INTERMEDIARY AND CONTRACTS OVERSIGHT
DIVISION, DEPARTMENT OF HEALTH SERVICES**

The Department of Health Service's proposal to allocate the above position to the CEA category has been approved effective June 13, 2007.

**DEPUTY DIRECTOR, CENTER FOR ENVIRONMENTAL HEALTH
DEPUTY DIRECTOR, CENTER FOR INFECTIOUS DISEASE
DEPUTY DIRECTOR, CENTER FOR CHRONIC DISEASE
PREVENTION AND HEALTH PROMOTION, DEPARTMENT OF PUBLIC
HEALTH**

The department of Public Health's proposal to allocate the above positions to the CEA category has been approved effective June 13, 2007.

26. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

27. WRITTEN STAFF REPORT FOR BOARD INFORMATION

28. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

29. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Pages 25–26)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

A D J O U R N M E N T

20. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) **CASE NO. 06-0235A**

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 9, 2007.

Transcript prepared.

Pending oral argument May 8, 2007, Sacramento.

Oral argument continued.

Oral argument heard June 5, 2007, Sacramento.

Case ready for decision by FULL Board.

(2) **CASE NO. 05-2888PA**

Appeal from dismissal

Classification: Staff Services Analyst (General)

Department: Department of Consumer Affairs

Petition for rehearing granted October 31, 2006.

Transcript prepared.

Pending oral argument March 2 2007, Sacramento.

Oral argument continued.

Oral argument heard June 5, 2007, Sacramento.

Case ready for decision by FULL Board.

(3) **CASE NO. 05-0929PA**

Appeal from rejection during probation

Classification: Health Program Manager I

Department: Department of Health Services

Petition for Rehearing granted February 20, 2007.

Pending oral argument May 8, 2007, Sacramento.

Oral argument heard May 8, 2007.

Case ready for decision by FULL Board.

- (4) **CASE NO. 05-1067A**
Appeal from dismissal
Classification: Investigator
Department: Department of Motor Vehicles

Proposed decision rejected January 9, 2007.
Transcript prepared.
Pending oral argument May 8, 2007, Sacramento.
Oral argument heard May 8, 2007.
Case ready for decision by FULL Board.
- (5) **CASE NO. 04-2919ERPA**
Appeal from discrimination and retaliation
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted February 20, 2007.
Transcript prepared.
Pending oral argument May 8, 2007, Sacramento.
Oral argument heard May 8, 2007.
Case ready for decision by FULL Board.
- (6) **CASE NO. 05-0927BA**
Appeal for back salary determination
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected December 5, 2006.
Transcript prepared.
Pending oral argument April 3, 2007, Sacramento.
Oral argument heard April 3, 2007.
Case ready for decision by FULL Board.

B. CASES PENDING

ORAL ARGUMENTS

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

- (1) **CASE NO. 05-4007EA**
Appeal from denial of discrimination complaint
Classification: Outside contractor
Department: Department of Transportation

- (2) **CASE NO. 06-0760A**
Appeal from rejection during probation
Classification: Parole Agent I (Adult Parole)
Department: Department of Corrections and Rehabilitation

C. CHIEF COUNSEL RESOLUTIONS

- (1) **CASE NO. 05-3741**
Appeal from dismissal
Classification: Medical Technical Assistant, CF
Department: Department of Corrections and Rehabilitation
Request for Order to Show Cause against Department of Corrections and Rehabilitation
- (2) **CASE NO. 06-1760**
Appeal from reduction in salary
Classification: Associate Governmental Program Analyst
Department: Department of Motor Vehicles
Request by DMV to Rescind Settlement Agreement
- (3) **CASE NO. 06-4736**
Appeal from suspension 6 days or more
Classification: Lifeguard
Department: Department of Parks and Recreation
Request for Order to Show Cause against Department of Parks and Recreation
- (4) **CASE NO. 03-0709**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Request for Order to Show Cause
- (5) **CASE NO. 05-0159**
Appeal from suspension 6 days or more
Classification: Adult Parole Agent I
Department: Department of Corrections and Rehabilitation
Request for Order to Show Cause against Department of Corrections and Rehabilitation

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) CASE NO. 06-2169**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (2) CASE NO. 06-2043**
Appeal from dismissal
Classification: Correctional Counselor I
Department: Department of Corrections and Rehabilitation
- (3) CASE NO. 06-3700**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (4) CASE NO. 06-4252**
Appeal from rejection during probation
Classification: Licensing Program Analyst
Department: Department of Social Services
- (5) CASE NO. 05-3327**
Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
- (6) CASE NO. 06-1982**
Appeal from ten percent reduction in salary for twelve months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (7) CASE NO. 07-0065**
Appeal from 15 workdays suspension
Classification: Officer
Department: Department of California Highway Patrol

- (8) **CASE NO. 07-0798**
Appeal from formal reprimand
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (9) **CASE NO. 06-4373**
Appeal from 10 percent reduction in salary for 12 months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (10) **CASE NO. 06-3720**
Appeal from ten percent reduction in salary for six months
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
- (11) **CASE NO. 06-3829**
Appeal from ten percent reduction in salary for six months
Classification: Manager I
Department: Department of Motor Vehicles

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

- (12) **CASE NO. 05-4268R**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **CASE NO. 06-0288EP**
Appeal from whistleblower retaliation complaint
Classification: Chief Physician and Surgeon (Correctional Facility)
Department: Department of Corrections and Rehabilitation
- (2) **CASE NO. 06-3014P**
Appeal from punitive transfer
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
- (3) **CASE NO. 06-2055P**
Appeal from dismissal
Classification: Parole Agent II (Specialist)
Department: Department of Corrections and Rehabilitation
- (4) **CASE NO. 06-0749P**
Appeal from rejection during probation
Classification: Environmental Planner (Natural Sciences)
Department: Department of Transportation

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 05-1007EA**
Appeal from denial of discrimination complaint
Classification: Outside contractor
Department: Department of Transportation

Proposed decision rejected December 19, 2006.
Pending oral argument April 3, 2007, Sacramento.
Oral argument continued.
Pending oral argument July 10-11, 2007, Sacramento.

- (2) **CASE NO. 03-3412A**
Appeal from rejection during probation
Classification: Correctional Counselor II (Supervisor)
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 3, 2007.
Transcript prepared.
Pending oral argument July 10-11, 2007, Sacramento.
Oral argument continued.
Pending oral argument September 4-5, 2007, Sacramento.
- (3) **CASE NO. 06-3534A**
Appeal from constructive medical termination
Classification: Psychiatric Technician Assistant
Department: Department of Developmental Services

Proposed decision rejected June 19, 2007.
Pending transcript.
- (4) **CASE NO. 06-0760A**
Appeal from rejection during probation
Classification: Parole Agent I (Adult Parole)
Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.
Transcript prepared.
Pending oral argument February 6-7, 2007, Los Angeles.
Oral argument continued.
Pending oral argument May 8, 2007, Sacramento.
Oral argument continued.
Pending oral argument July 10-11, 2007, Sacramento.
- (5) **CASE NO. 06-3023A**
Appeal from ten percent reduction in salary for three months
Classification: Psychiatric Technician
Department: Department of Corrections and Rehabilitation
Proposed decision rejected March 2, 2007.
Transcript prepared.
Pending oral argument August 7-8, 2007, Los Angeles.
- (6) **CASE NO. 05-1285A**
Appeal from dismissal
Classification: Public Safety Dispatcher II
Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.
Transcript prepared.
Pending oral argument June 5, 2007, Sacramento.
Oral argument continued.

- (7) **CASE NO. 06-1338A**
Appeal from rejection during probation
Classification: Industrial Relations Counsel III (Specialist)
Department: Department of Industrial Relations

Proposed decision rejected May 8, 2007.
Transcript prepared.
Pending oral argument August 7-8, 2007, Los Angeles.
- (8) **CASE NO. 05-1432E**
Appeal from denial of sexual harassment complaint
Classification: Health Facilities Evaluator Nurse
Department: Department of Health Services

Proposed decision rejected June 5, 2007.
Pending transcript.
- (9) **CASE NO. 06-1732**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission June 19, 2007.
- (10) **CASE NO. 06-0738A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected May 18, 2007.
Transcript prepared.
Pending oral argument September 4-5, 2007, Sacramento.
- (11) **CASE NO. 06-2010A**
Appeal from medical termination
Classification: Administrative Support Coordinator II
Department: California State University, Los Angeles

Proposed decision rejected May 8, 2007.
Transcript prepared.
Pending oral argument August 7-8, 2007, Los Angeles.
- (12) **CASE NO. 07-1381A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 5, 2007.
Pending transcript.

(13) CASE NO. 05-1043P

Appeal from dismissal

Classification: Tax Counsel, Range D

Department: Board of Equalization

Petition for rehearing granted June 5, 2007.

Pending transcript.

(14) PSC NO. 06-03, CASE NO. 07-0806PA

Appeal from Executive Officer's disapproval of Unarmed Security Guard Services

Department: California Highway Patrol

Petition for rehearing granted May 8, 2007.

Pending oral argument September 4-5, 2007, Sacramento.

24. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

(1) CASE NO. 06-0611N

Classification: Correctional Officer

Department: California Department of Corrections & Rehabilitation

Issue: Suitability; failure to supply the requested documentation and information.

(2) CASE NO. 06-0917N

Classification: Correctional Officer

Department: California Department of Corrections & Rehabilitation

Issue: Suitability; illegal drug activity.

- (3) **CASE NO. 06-2077N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; omitted pertinent information during the selection process and a negative military record.
- (4) **CASE NO. 06-2153N**
Classification: Medical Technical Assistant, Correctional Facility
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; negative law enforcement contacts, arrest/conviction record, omitted pertinent information.
- (5) **CASE NO. 06-1295N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; a negative driving record.
- (6) **CASE NO. 06-1362N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
Issue: Suitability; omitted pertinent information.
- **CASE NO. 06-2837N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- **CASE NO. 06-3838N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation
- **CASE NO. 06-4529N**
Classification: Correctional Officer
Department: California Department of Corrections & Rehabilitation

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

(1) CASE NO. 06-2260N

Department: California Department of Health Services

Issue: Was the appointment of the appellant properly voided based on the fact that the appellant did not have eligibility to the Staff Services Manager II classification.

• CASE NO. 06-3341N

Department: California Department of Corrections & Rehabilitation
Classification: Correctional Officer

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

(1) CASE NO. 06-1721N

Classification: N/A – A member of the public.

Department: California Department of Corrections & Rehabilitation

Issue: The charging party request charges be filed against the charged party for violations of various subsections of Government Code § 19572.

PETITIONS FOR REHEARING CASES

(2) MULTIPLE CASE NOS.

Classification: Environmental Scientist

Department: State Water Resources Control Board

Issue: Whether allowing appellants into the ES examination diminishes the scientific requirements of the class.

• **CASE NO. 05-3078**

Classification: Deputy Attorney III

Department: California Department of Transportation

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

6. CASE NO. 05-3741

Appeal from dismissal. Medical Technical Assistant, CF. Department of Corrections and Rehabilitation. Request for Order to Show Cause against Department of Corrections and Rehabilitation. (Presented to the Board March 2, 2007.)

7. CASE NO. 05-0927BA

Appeal for back salary determination. Correctional Sergeant. Department of Corrections and Rehabilitation. (Oral argument held April 3, 2007.)

8. CASE NO. 05-0929PA

Appeal from rejection during probation. Health Program Manager I. Department of Health Services. (Oral argument held May 8, 2007.)

9. CASE NO. 05-1067A

Appeal from dismissal. Investigator, DMV. Department of Motor Vehicles.
(Oral argument held May 8, 2007.)

10. CASE NO. 04-2919ERPA

Appeal from discrimination and retaliation. Physician & Surgeon, CF. Department of Corrections and Rehabilitation. (Oral argument held May 8, 2007.)

11. HEARING – GOVERNMENTAL PROGRAM ANALYST

The State Personnel Board in consultation with the Department of Personnel Administration proposes the establishment of the new classification of Governmental Program Analyst. (Hearing held May 8, 2007.)

12. CASE NO. 06-0235A

Appeal from dismissal. Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held June 5, 2007.)

13. CASE NO. 05-2888PA

Appeal from dismissal. Staff Services Analyst (General). Department of Consumer Affairs. (Oral argument held June 5, 2007.)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *



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(Cal. 07/10/07)

TO: ALL INTERESTED PARTIES

FROM: State Personnel Board - Executive Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. There may be a verbal presentation at the July 10, 2007 Board Meeting on any legislative action that has taken place that will be of interest to the Board.

Please contact the Secretariat at (916) 653-0429 if you should have any questions. Legislative inquiries may also be directed to the Chief Counsel's Office at (916) 653-1403.

A handwritten signature in black ink, appearing to read 'Karen Yu'.

Karen Yu
Secretariat's Office

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD DATE JULY 10, 2007

(Cal. 07/10/07)

MEMO TO : STATE PERSONNEL BOARD

FROM : MIKE STRAZZO, Merit Employment and
Technical Resources Division

SUBJECT : Non-Hearing Calendar Items for Board Action

Page**STAFF SERVICES ANALYST/GOVERNMENTAL PROGRAM ANALYST**

The State Personnel Board (SPB) in conjunction with the Department of Personnel Administration (DPA) and the Service Employees International Union (SEIU), Local 1000 propose revisions to the Staff Services Analyst (SSA) (General) class specification, as an alternative to the establishment of the proposed Governmental Program Analyst (GPA), as heard at the April 3, 2007 and May 8, 2007 Board meetings.

201

CONSTRUCTION FINANCING SERIES

The Office of Statewide Health Planning and Development proposes the following revisions to the existing departmental class series titled Construction Financing: establishment of a new deep class of Health Facility Construction Financing Specialist; adoption of Alternative Range Criteria 453; adoption of proposed twelve month probationary period for two new classes; reallocation of incumbents in the Construction Financing Series to appropriate classes in the Health Facility Construction Series.

214

(Cal. 7-10-07)

TO: STATE PERSONNEL BOARD

FROM: Daryll Tsujihara, Division Chief
Classification & Compensation
Department of Personnel Administration

Carol Ong, Acting Chief
Appeals Division
State Personnel Board

SUBJECT: REVISIONS TO STAFF SERVICES ANALYST (GENERAL) AND
ALTERNATE RANGE CRITERIA 69 (FORMERLY
GOVERNMENTAL PROGRAM ANALYST)

SUMMARY OF ISSUES:

Proposed revision to the Staff Services Analyst (General) minimum qualifications and Alternate Range Criteria 69, to allow for the effective recruitment of college graduates.

CONSULTED WITH:

Debbie True, DPA, Labor Relations
Josie Fernandez, DPA
Karen Lynch, DPA
Terry Silva, SPB
Judy O'Day, Caltrans
Cynde Jones, DMH
Sharon Planchon, DSS
Mike Strazzo, DWR
Pat Lujan, EDD
Lisa Torres, EDD
Margarita Maldonado, SEIU
Kathleen O'Connor, SEIU
Neal Johnson, SEIU
Larry Perkins, SEIU

In accordance with the terms of the DPA/SEIU contract, DPA has notified the union in writing of this proposal.

CLASSIFICATION/SELECTION CONSIDERATIONS:

This item is an alternative to the State Personnel Board staff's proposal to establish a new Governmental Program Analyst (GPA) class, targeted specifically to facilitate the recruitment and entry of recent college graduates. It is the culmination of a cooperative team effort of interested parties to develop another option and solution to the GPA class. Representatives from the Department of Personnel Administration (DPA), State Personnel Board (SPB), departments, and Service Employees International Union (SEIU), Local 1000 met several times to discuss options for accomplishing the objective to recruit and hire new college graduates into State service. The final outcome and subsequent recommendation is to revise the existing Staff Services Analyst (SSA) (General) classification and examination processes.

Specific changes include the following:

- Clarify the definition of work performed at SSA, Ranges A, B, and C.
- Revise the minimum qualifications for SSA to include only two existing patterns: (1) Graduation with a Bachelor's degree from a recognized four-year accredited college or university, with an early entry feature that allows registered seniors to compete; and (2) Work experience in State service that may be substituted for the required education on a year-for-year basis with at least 6 semester or 9 quarter college units of college level training in public or business administration, accounting, economics, political or social science, english, speech, statistics, law, or a closely related area.
- Revise the examination for SSA, using the Life Experience Questionnaire (LEQ), internet-based testing process that will be available to anyone who wishes to take the test at any time. Abolish the existing SSA eligible list; and notify candidates of its abolishment with instructions as how to apply for the new LEQ exam.
- Require a transfer examination, using the current written SSA exam, for all lateral transfers into SSA to determine that the candidates possess the necessary knowledge, skills, and abilities. SPB will maintain records of those who have successfully passed the abolished SSA list for transfer purposes.
- Resurrect and use the Management Services Technician (MST) class for training and bridging to the SSA class. This includes functioning training programs to enable employees to successfully pass the written transfer exam, the restructuring of jobs and tasks, and use of training and development (T&D) assignments.

In addition, in a period of not less than one year, SPB in conjunction with DPA, departments, and SEIU will evaluate the impact of the revisions to SSA, including

the effectiveness in recruitment of college graduates and upward mobility of State civil service employees.

RECOMMENDATIONS:

1. That the proposed revised specification for the class of Staff Services Analyst (General) as shown in the calendar be adopted.
2. That Alternate Range Criteria 69 be amended as follows:

Experience gained outside State service may be credited only if the appointing power believes the experience was satisfactory and comparable in type and quality to that of Staff Services Analyst (General).

Range A. This range ~~will~~ shall apply to those individuals who do not meet the criteria for Range B or Range C.

Range B. This range shall apply to persons who have satisfactorily completed the equivalent to six months of Staff Services Analyst (General) or Staff Services Analyst, Fair Political Practices Commission, or Management Services Technician (Range A), and may apply to persons who have the equivalent of six months of satisfactory experience outside of State service performing analytical personnel, budget, or administrative duties similar to those of Staff Services Analyst.

Range C. This range shall apply to persons who have graduated from a recognized four-year accredited college or university; or who satisfactorily completed the equivalent of 12 months of Staff Services Analyst (Range B) or Staff Services Analyst, Fair Political Practices Commission (Range B), experience; and may apply to persons who have the equivalent of 18 months of satisfactory experience outside the State service performing analytical personnel, budget, or administrative duties similar to those of Staff Services Analyst (General).

Typical example of the settings of experience used in meeting the criteria are: State service; the Federal Government; other State and local government entities; special districts such as schools and utilities; higher education administrative units; and private industry entities which provide work experience comparable to that of a Staff Services Analyst. Experience in different settings may be combined towards meeting the criteria.

When the requirements for the particular criteria are met and upon recommendation of the appointing power, the employee shall receive a rate under the provisions of DPA Rule 599.674, except that upon movement to Range C, the provisions of DPA Rule 599.676 shall apply.

3. That the following Resolution be adopted:

WHEREAS, Article VII, Section 1(b), Constitution of the State of California states, "In the civil service permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination;" and

WHEREAS, Government Code § 18930, in relevant part, provides that, "Examinations for the establishment of eligible lists shall be competitive and of such character as fairly to test and determine the qualifications, fitness, and ability of competitors actually to perform the duties of the class of position for which they seek appointment..."; and

WHEREAS, the Courts have consistently held that the State's merit principle requires a competitive examination process, and one in which candidates are required to compete against one another; and

WHEREAS, the current examination process for Staff Services Analyst (General) is cumbersome, requiring individuals to appear at a central test site, with limited seating even at full capacity, resulting in individuals being unable to easily secure a testing appointment, and making it difficult to attract and hire recent college graduates into State service; and

WHEREAS, the State Personnel Board has developed a new examination process for the class of Staff Services Analyst (General), which is an internet-based "Life Experience Questionnaire (LEQ)", available on a continuous basis, allowing for the automated processing and testing of candidates, and resulting in immediate list eligibility; and

WHEREAS, Government Code § 18901(b), in relevant part, provides that "Those holding places on the prior list shall be given preference for appointment until such time as the prior list may automatically expire or all names are removed therefrom by action of the board;" and

WHEREAS, the State Personnel Board believes that the new LEQ examination process will provide an effective avenue to recruit and create a talented pool of candidates to meet the needs of the service, departmental hiring needs, as well as selecting and facilitating the entry of recent college graduates into State civil service; and

WHEREAS, the State Personnel Board has determined that based upon the needs of the service, the existing Staff Services Analyst (General) is insufficient to meet State departmental hiring needs and recruit talented individuals into State civil service; therefore be it

RESOLVED, that the existing Staff Services Analyst (General) list be abolished effective August 1, 2007, that any appointments made from the existing Staff Services Analyst (General) eligible list prior to August 1, 2007, shall remain in effect; that the Staff Personnel Board staff are directed to suitably notify all candidates on the existing Staff Services Analyst (General) list of its abolishment and provide instructions regarding how to apply for the new Staff Services Analyst (General) examination; and the State Personnel Board will maintain records of those who have successfully passed the abolished Staff Services Analyst (General) list for transfer purposes; and be it further

RESOLVED, that in a time period of not less than one year, the State Personnel Board staff, in conjunction with the Department of Personnel Administration, departments, and the union will evaluate the impact of the revisions to Staff Services Analyst (General), including the effectiveness In recruitment of college graduates and upward mobility of State civil service employees.

B. CLASSIFICATION CONSIDERATIONS

Instructions: Complete only if Concept (Part A) approved by DPA. Include headings (Background, Classification Considerations, etc.) if using additional paper. Only complete applicable questions (i.e., provide enough information to support the proposal). Respond to each of these questions and return with signed-off transmittal to your DPA and SPB analysts.

BACKGROUND

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

Addendum to Classification Considerations Part B: The classification considerations for the proposed Governmental Program Analyst (GPA) class provide well-documented evidence of the need to attract and hire recent college graduates into state service. On April 3, 2007, an informational hearing on the GPA class concept was held by the State Personnel Board, with the recommendation that the new class be slightly higher in salary as Staff Services Analyst (SSA) (General), Range C, with a provision to hire-above-the-minimum salary step for exceptional candidates. Stipulations also included no transfers into the new GPA class.

On May 8, 2007, the State Personnel Board held another hearing to provide an additional opportunity for interested parties to provide comments and feedback on the proposed GPA class. Recommendations included that the new GPA class be the same level as SSA, Range C, with a one-year probationary period. While many departments and outside entities expressed full support for the new class, others, including the union, expressed concern about the dual concept of the new class and the impact on SSA, Range C. Potential problems with distinguishing between similar class concepts, and increased grievances were noted. To resolve these concerns, the State Personnel Board directed that within sixty days, representatives from DPA, SPB, various departments, and the union meet to discuss and offer alternative solutions to the proposed GPA class.

This resulted in the Task Force's recommendation to not adopt the new proposed GPA class and revise the existing SSA class. Specific changes include the following:

Clarify the definition of work performed at SSA (General), Ranges A, B, and C

Revise the SSA (General) minimum qualifications (MQ's) to include only two existing patterns:

- (1) Graduation with a Bachelor's degree from a recognized four-year accredited college or university with an early entry feature that allows registered seniors to compete; and
- (2) Work experience in state service that may be substituted for the required education on a year-for-year basis with at least six semester or nine quarter college units of college level training in public or business administration, accounting, economics, political or social science, english, speech, statistics, law, or a closely related area.

All classifications currently listed in the inside patterns are eligible to transfer to SSA based on transfer criteria, so there is no need to include them as an internal pattern. However, for all subsequent transfers into SSA, a transfer examination would be required. In addition, the Management Services Technician (MST) class would be resurrected and utilized as a training and bridging class for movement into the SSA class.

CLASSIFICATION CONSIDERATIONS

2. What classification(s) does the subject class(es) report to?

These positions typically report to Staff Services Manager positions.

3. Will the subject class(es) supervise? If so, what class(es)?

N/A

4. What are the specific duties of the subject class(es)?

The SSA provides entry through first journey level analytical and consultative services in a number of program settings including budgets, personnel, program evaluation and planning, training, etc. This deep class has three alternate ranges. Responsibilities include application of principles, practices, and trends of public and business administration, management, and supportive staff services expertise to perform various consultative and analytical tasks. Duties require research, analysis and the use of independent judgment and discretion to interpret and apply statutes, regulations, and policies and procedures to specific situations, rather than the mere application of detailed rules and procedures.

5. What is the decision-making responsibility of the subject class(es)?

SSA, in addition to the performance of staff work, involves substantial responsibility for problem definition, the development of a unique project plan, identification of alternative solutions, implementation of the desired course of action and monitoring results.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)

At the entry through first journey level choices are typically within a range of specified, acceptable standards, alternatives, and technical practices. Decisions and recommendations are typically limited in scope and impact, affecting individuals or small groups within a single unit or agency. Work is closely reviewed to mitigate potential errors.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

Work at this level is distinguished from lower level assignments by the analytical and evaluative nature of the work, rather than the performance of process oriented assignments. Movement through SSA, Ranges A and B progress from very specific task-oriented assignments, accompanied by clear, detailed, and specific instructions, to more generally defined objectives including priorities and deadlines. Positions apply established, standard guidelines that cover work situations and alternatives.

At SSA, Range C, there are distinct increases in the scope of the work and effect on programs and services. Incumbents are expected to use a more conceptual approach to problem solving and reasoning. At this first journey level, the decisions regarding what work tasks need to be done depends upon the analysis of the subject, phase, or issues involved in each assignment, with the resulting chosen course of action potentially selected from many alternatives. Judgment is needed in locating and selecting the most appropriate of these guidelines which may change for varying circumstances as the task is repeated.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

Incumbents in the SSA class consult with and advise administrators or other interested parties on a wide variety of subject-matter areas, and gain and maintain the confidence and cooperation of those contacted during the course of work. At SSA, Range A, the scope and effect of work generally involve routine analytical tasks impacting the immediate work unit. As the skill sets of the incumbent increases, they gain the experience necessary to perform a wide range of established consultative and analytical activities of organizational concern impacting staff or customers at many locations.

Regular work contact with others may include detecting, discovering, identifying information, problems, violations, or failures by interviewing or researching where the issues or results of the contact are not known ahead of time. Contact may also include advising, counseling, or guiding the direction taken to resolve complaints or problems and influence or correct actions, or give information.

B. CLASSIFICATION CONSIDERATIONS

Page 2

NEED FOR NEW CLASS (if necessary)

9. For New classes only: what existing classes were considered and why were they not appropriate?

MINIMUM QUALIFICATIONS

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)

As previously mentioned, it is recommended that the MQ's include only two existing patterns:

(1) Graduation with a Bachelor's degree from a recognized four-year accredited college or university. (Registration as a senior in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment.)

(2) Work experience in the California state service may be substituted for the required education in Pattern I on a year-for-year basis by applicants who have at least six semester or nine quarter units of college level training in public or business administration, accounting, economics, political or social science, english, speech, statistics, law, or a closely related area.

All classifications currently listed as inside patterns are eligible to transfer based on transfer criteria, so it is not necessary to include them as an internal pattern.

The Alternate Range Criteria for SSA is being revised as follows:

Range B: MST, Range A is being added as qualifying experience for range movement to Range B.

Range C: College graduates will be allowed to advance immediately to Range C.

PROBATIONARY PERIOD

☐ Six Months

11. If a probationary period other than six months is proposed, what is the rationale?

STATUS CONSIDERATIONS (see additional information in Part D).

12. What is the impact on current incumbents?

Current incumbents who are college graduates and meet the new alternate range criteria will be eligible to be appointed to SSA, Range C.

13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.

Other:

The current written examination method for SSA will be replaced by a Life Experience Questionnaire (LEQ), which will be internet-based, and available on a continuous basis. The existing SSA (General) eligible list, which was based upon a written examination, will be abolished. Current eligibles on the SSA (General) list will be notified of its abolishment and instructed as to how to apply for the new LEQ examination.

Transfers into the SSA class will be accomplished only by successful passage of the transfer SSA (General) written examination. The State Personnel Board will maintain records of those who had successfully passed the abolished SSA (General) list for transfer purposes.

CONSULTED WITH

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

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CALIFORNIA STATE PERSONNEL BOARD
SPECIFICATION

Schematic Code: JY20
Class Code: 5157
Established: 9/22/77
Revised: 6/12/89
Title Changed: --

STAFF SERVICES ANALYST (GENERAL)

DEFINITION

This ~~consolidated series~~ specification describes a recruiting and developmental class for persons qualified to perform analytical work in one or more areas of a broad range of governmental and managerial problems. Incumbents are assigned duties and responsibilities commensurate with their background and training. Under supervision, incumbents perform work of average difficulty in a wide variety of consultative and analytical staff services assignments such as program evaluation and planning; systems development; budgeting; planning; training; management; and personnel analysis; and do other related work. Work at this level is distinguished from lower-level assignments by the analytical and evaluative nature of the work, rather than the performance of process-oriented assignments.

This class is the entry through first journey level. Positions are permanently allocated to this class when the major portion of tasks performed do not include the more responsible, varied, and difficult assignments found in the full journey person level.

This deep class has three alternate ranges. Responsibilities include application of principles, practices, and trends of public and business administration, management, and supportive staff services expertise to perform various consultative and analytical tasks. At Range A, assignments are directly supervised and primarily structured, standard, and recurring. Duties and responsibilities require research, analysis, and the use of independent judgment and discretion to interpret and apply statutes, regulations, and policies and procedures to specific situations, rather than the mere application of detailed rules and procedures. The scope and effect of work generally involves routine analytical tasks impacting the immediate work unit.

Analysis of work at Range B is expected to show broader knowledge of the work environment, and organizational and/or departmental requirements. There is less direct review than at Range A, with greater breadth in assigned tasks. As job knowledge and skill increase, so do the number of tasks, which involves multitasking and imposed deadlines. Movement through Ranges A and B progress from very

specific task-oriented assignments, accompanied by clear, detailed, and specific instructions, to more generally defined objectives including priorities and deadlines.

At Range C, there are distinct increases in the scope of the work and effect on programs and services. Incumbents are expected to use a more conceptual approach to problem solving and reasoning. At this first journey level, the decisions regarding what work tasks need to be done depends upon the analysis of the subject, phase, or issues involved in each assignment, with the resulting chosen course of action potentially selected from many alternatives. Assignments are less complex in scope and duration than at the full journey level, although incumbents do have authority to plan, design, and carry out work within a clear framework established by the supervisor. Incumbents use judgment in interpreting and adapting guidelines such as policies, laws and rules, manuals, and work directions for application to specific cases or problems. Responsibilities involve increasing independence and judgment, accompanied by decreasing supervision, in the performance of a variety of analytical tasks such as program evaluation and planning; systems development; budgeting, planning, training, management, and personnel analysis; and other related work. Incumbents perform a wide range of established consultative and analytical activities of organizational concern impacting staff or customers at many locations.

SCOPE OF STAFF SERVICES ANALYST (GENERAL)
TYPICAL TASKS

Studies the principles and techniques of the area of work to which assigned and, under supervision, applies them; participates in analytical studies of organization, procedures, budgetary requirements, and personnel management; gathers, tabulates, and analyzes data; draws organization, workload, and other charts; interviews and consults with departmental officials, employees, and others to give and secure information; prepares reports and makes recommendations on procedures, policies, and program alternatives; reviews and analyzes proposed legislation and advises management on the potential impact; makes decisions on financial, personnel, and other transactions of average complexity; works as a field representative in intergovernmental negotiations; and prepares correspondence.

MINIMUM QUALIFICATIONS~~STAFF SERVICES ANALYST (GENERAL)~~Either I

~~Education: Equivalent to graduation from college with any major, but preferably with specialization in public or business administration, accounting, economics, political or social science, or law. Graduation with a Bachelor's degree from a recognized four-year accredited college or university. (Registration as a senior in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment.) (Work experience in the California state service may be substituted for the required education on a year for year basis by applicants who have at least six semester or nine quarter units of college level training in public or business administration, accounting, economics, political or social science, English, speech, statistics, law, or a closely related area.)~~

Or II

~~Six months of experience performing the duties of a Personnel Technician I, Range B, in State service.~~

Work experience in the California state service may be substituted for the required education in Pattern I on a year-for-year basis by applicants who have at least six semester or nine quarter units of college level training in public or business administration, accounting, economics, political or social science, English, speech, statistics, law, or a closely related area.

Or III

~~Six months of experience performing the duties of a Budget Technician I, Range B, in State service.~~

Or IV

~~Six months of experience performing the duties of a Management Services Technician, Range B, or Occupational Technician (General), Range B, or Business Service Assistant (Specialist), Range B, in State service.~~

Or V

~~Experience: One year of experience in the California state service performing the duties of a class at a level of responsibility equivalent to a Program Technician II, Office Services Supervisor I, or Office Technician. and~~

~~Education: Twelve semester or eighteen quarter units of college courses in Public or Business Administration, Accounting, Economics, Political or Social Science, English, Speech, Statistics, Law, or a closely related area.~~

KNOWLEDGE AND ABILITIES~~STAFF SERVICES ANALYST (GENERAL)~~

Knowledge of: Principles, practices, and trends of public and business administration, management, and supportive staff services such as budgeting, personnel, and management analysis; and governmental functions and organization.

Ability to: Reason logically and creatively and utilize a variety of analytical techniques to resolve complex governmental and managerial problems; develop and evaluate alternatives; analyze data and present ideas and information effectively ~~both orally and in writing~~; consult with and advise administrators or other interested parties on a wide variety of subject-matter areas; and gain and maintain the confidence and cooperation of those contacted during the course of work.

SPECIAL PERSONAL CHARACTERISTICS~~STAFF SERVICES ANALYST (GENERAL)~~

Willingness as a learner to do routine or detailed work in order to learn the practical application of administrative principles; and demonstrated capacity for development as evidenced by work history, academic attainment, participation in school or other activities, or by well-defined occupational or ~~avocational~~ vocational interests; and willingness and ability to accept increasing responsibility.

(July 10, 2007)

TO: STATE PERSONNEL BOARD

FROM: MYRNA GREGORY, Personnel Management Consultant
Department of Personnel Administration

REVIEWED BY: MARGIE IMAI, Personnel Program Manager
Department of Personnel Administration

DARYLL TSUJIHARA, Chief, Classification and Compensation Division
Department of Personnel Administration

SUBJECT: Proposed revisions and title changes to the classes within the Construction Financing Series; establishment of new deep class of Health Facility Construction Financing Analyst; establishment of new class of Senior Health Facility Construction Financing Specialist; adoption of Alternate Range Criteria 453; adoption of proposed probationary period for two new classes; reallocation of incumbents in Construction Financing Series to appropriate classes in Health Facility Construction Financing Series.

SUMMARY OF ISSUES:

The Office of Statewide Health Planning and Development requests revision to its existing departmental class series entitled Construction Financing, and the addition of two new classes to the series, to ensure the classification specification accurately describes: the difficult and complex duties which are now required to be performed by employees responsible for health facility mortgage loan insurance; job related Minimum Qualifications, knowledges and abilities required of prospective candidates for employment in this classification series.

CONSULTED WITH:

Doris Bloom, Human Resources Services Manager, OSHPD
Deborah Davis, Manager, Classification and Pay Section, OSHPD
Ed Springer, Exam Analyst, Human Resources Section, OSHPD
Jennifer Roche, State Personnel Board
Karen Coffee, State Personnel Board
Jeannette Williams-Gipson, Department of Personnel Administration
Frank Marr, Department of Personnel Administration

In accordance with the terms of the Department of Personnel Administration (DPA)/Service Employees International Union (SEIU) contract, DPA has notified the union in writing of this proposal.

CLASSIFICATION CONSIDERATIONS:

Please see attached proposal.

RECOMMENDATIONS:

1. That the titles of the following classes be changed as indicated; and the proposed revised specification for these classes appearing in the Health Facility Construction Financing series specification as shown in this calendar be adopted:

| <u>From</u> | <u>To</u> |
|---------------------------------------|--|
| Construction Financing Representative | Associate Health Facility Construction Financing Analyst |
| Construction Financing Specialist | Health Facility Construction Financing Specialist |
| Construction Financing Supervisor | Health Facility Construction Financing Officer |

2. That the deep class of Health Facility Construction Financing Analyst be established; the proposed specification for the class appearing in the Health Facility Construction Financing series as shown in this calendar be adopted; and the probationary period be 12 months.
3. That the class of Senior Health Facility Construction Financing Specialist be established; the proposed specification for the class appearing in the Health Facility Construction Financing series as shown in this calendar be adopted; and the probationary period be 12 months.
3. That the proposed Alternate Range Criteria 453 for the class of Health Facility Construction Financing Analyst as shown below be adopted.

Range A. This range shall apply to persons who do not meet the criteria for Range B or Range C.

Range B. This range shall apply to persons who have satisfactorily completed either: (1) six months of experience as a Health Facility Construction Financing Analyst, Range A, or (2) one year of experience performing technical or analytical construction or mortgage loan underwriting, originating, processing, closing or evaluating lender performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association or comparable federal or state agency; or (3) possession of a master's degree in business administration, accounting, real estate, economics, finance, construction management, or architecture.

Range C. This range shall apply to persons who have satisfactorily completed either: (1) twelve months of experience as a Health Facility Construction Financing Analyst, Range B; or (2) eighteen months of experience performing technical or analytical construction or mortgage loan underwriting, originating, processing, closing or evaluating lender performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association or comparable federal or state agency.

4. That the following resolutions be adopted:

a. WHEREAS the State Personnel Board on _____ established the deep class with alternate range levels as indicated below in Column II; and the duties and responsibilities of the corresponding alternate range levels of the deep class were substantially included in the previously existing alternate ranges of the deep class as indicated in Column I; and

WHEREAS the knowledge and abilities required for the deep class alternate range levels indicated in Column II were substantially tested for in the examination held for the class listed in Column I: Therefore be it

RESOLVED, that any person in the Cal Mortgage Loan Insurance Division at the Office of Statewide Health Planning and Development with civil service status in the alternate range of the deep class indicated in Column I on _____ shall be reallocated to the corresponding alternate range of the deep class as indicated in Column II and hereby granted the same civil service status in that class without further examination, and be it further

RESOLVED, that any existing employment lists other than reemployment lists established for the class indicated in Column I shall be used to certify to fill vacancies in the deep class indicated in Column II as directed by the Executive Officer of the State Personnel Board until such lists are abolished, exhausted, or superseded by lists for the class indicated in Column II and any persons on existing reemployment lists for class in Column I shall also be placed on reemployment lists for the class in Column II until expiration of their eligibility on reemployment lists for class in Column I.

Column I

Column II

Staff Services Analyst (General)
Range A

Health Facility Construction
Financing Analyst, Range A

Staff Services Analyst (General)
Range B

Health Facility Construction
Financing Analyst, Range B

Staff Services Analyst (General)
Range C

Health Facility Construction
Financing Analyst, Range C

b. WHEREAS Title 2, California Code of Regulations Section 431 states “Unless otherwise provided by resolution of the board, the maximum rate of the lowest salary range currently authorized for a class is used to make salary comparison”; and

WHEREAS alternate ranges within the new class of Health Facility Construction Financing Analyst are being established parallel to the levels of the existing class of Staff Services Analyst (General); and

WHEREAS placement in each alternate range of the class of Health Facility Construction Financing Analyst represents recognition of a higher level of knowledge, skill, ability, experience or eligibility which each appointee can acquire through experience in the class of Health Facility Construction Financing Analyst or comparable or higher level classes; and

WHEREAS as the result of a permanent appointment to each alternate range, an appointee gains status in the range to which he/she is appointed as though each range is a separate class by qualifying for placement in that range through transfer, reinstatement, demotion, or satisfying the alternate range criteria: Therefore be it

RESOLVED, That salary Range A, B, and C for the class of Health Facility Construction Financing Analyst may be used individually as if each represents the salary range of a separate class to make salary comparisons for discretionary actions between the class of Health Facility Construction Financing Analyst and other classes; and be it further

RESOLVED, That for the class of Health Facility Construction Financing Analyst the maximum currently authorized for Range C of the class shall be the salary used to make salary comparisons for mandatory actions.

B. CLASSIFICATION CONSIDERATIONS

Instructions: Complete only if Concept (Part A) approved by DPA. Include headings (Background, Classification Considerations, etc.) if using additional paper. Only complete applicable questions (i.e., provide enough information to support the proposal). Respond to each of these questions and return with signed-off transmittal to your DPA and SPB Analysts.

BACKGROUND

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses

The Cal Mortgage Loan Insurance Division within the Office of Statewide Health Planning and Development is essentially a mortgage or bond insurance company within State service that guarantees non-rated, below investment grade, and low investment grade loans (usually tax exempt revenue bonds) for health facilities that demonstrate community need. This loan guarantee program provides the State's credit rating to health corporations with low rated credit, resulting in reduced interest costs to the health facility and a guarantee to the lenders (bondholders) that they will be repaid their principal and accrued interest should the borrower default.

Insured loans are used to construct, improve, modernize, acquire or expand health facilities. The program's priorities include providing insured loans to facilities that are in medically underserved areas, promoting access to primary care services, providing service to people with special needs functioning in a community-based environment, and promoting development of efficient health care networks in rural areas.

Insured loans must be secured by a first deed of trust, first mortgage, or other first priority lien on the borrower's interest in real property. Loan maturity cannot exceed 30 years or 75% of the estimated economic life of the facility, whichever is less. In addition, each borrower must enter into a regulatory agreement with Cal Mortgage. This regulatory agreement limits the borrower's ability to manage its facility without Cal Mortgage's concurrence in such areas as: maintenance; affiliations; mergers; consolidations; changes in ownership; encumbrances; indebtedness; disposition of property; acquisition of property, plant or equipment; insurance; and operation of the facilities as well as bankruptcy proceedings.

The program operates without any cost to the taxpayers or the State's General Fund. In fact, one of the program's primary constitutional and statutory requirements is to provide this loan guarantee program without cost to the State. The program is funded by the Health Facility Construction Loan Insurance Fund (HFCLIF) which is a trust fund wholly supported by fees and insurance premiums paid by the borrowers. The Cal Mortgage program was authorized by constitutional amendment passed by voter initiative in 1968. Its implementation was delayed until the California Supreme Court ruled that the program was constitutional in 1971.

The program's mission and funding are unique in State service in that the continued operation of the program is dependent upon the successful efforts of staff to analyze the financial risk of each loan so that a steady stream of premiums and fees are maintained to fund the program and maintain financial reserves. While no single underwriting decision could bankrupt the program, a loss rate in excess of 3-4% would have the catastrophic consequences of rendering the program insolvent. This is a very small margin of error and places unusually high risk on each financial analysis performed by staff.

Since its inception Cal Mortgage has insured over \$5 billion in loans. Its current portfolio of 154 loans is valued at \$1.3 billion. The program is authorized to insure up to \$3 billion in loans. The current cash balance of the HFCLIF is approximately \$175 million. The portfolio is composed of 18% hospitals, 21% clinics, 17% multi level skilled nursing and intermediate care facilities, 4% skilled nursing facilities, 15% chemical dependency recovery facilities, 10% group homes and 15% adult day care centers for the developmentally disabled, AIDS

clinics, dialysis clinics, mental health clinics, and hospices.

The Cal Mortgage Loan Insurance Division has 22 authorized positions including one Deputy Director (CEA II), two Construction Financing Supervisors, one Health Planning Specialist II, five Construction Financing Specialists, and five Construction Financing Representatives.

Initially, the Cal Mortgage program was a subdivision of the Licensing and Certification Division in the Department of Health, with two employees. In 1976 the SPB established a classification and pay plan for the Cal Mortgage program consisting of two classes with two incumbents: Health Facility Mortgage Loan Insurance Administrator and Health Facility Mortgage Loan Insurance Representative. By 1985, the program had grown and the staff increased to six employees; the classifications were re-titled to Construction Financing and the Construction Financing Specialist class was added. In 1990 the Cal Mortgage program achieved Division status within the OSHPD, and in 1992 the Construction Administrator class was re-titled to Construction Financing Supervisor to reflect the 1990 divisional organizational change.

The last significant classification change occurred in 1985 when the Specialist level was established. The new Specialist classification met the program's need at that time because the program had grown from two to six staff. No one anticipated the subsequent significant growth and increased program complexities which are the primary reasons for this proposal.

The proposed classification changes are as follows:

- Establish a new entry level class focused on recruiting college graduates with applicable education and/or experience
- Re-title the current Construction Financing series classes and revise the specifications to appropriately reflect the scope of work, and the required knowledge and abilities, and Minimum Qualifications
- Establish a new specialist/expert level class

New specialized college recruitment entry level class: Health Facility Construction Financing Analyst

The use of the generalist SSA class to recruit college graduates has had limited success. Over the past three years, Cal Mortgage recruited four times to fill SSA positions. There were a total of 233 applications; 38 candidates were interviewed and 4 people were hired. Two of these four transferred to other state departments within 18 months of hire. The most recent recruitment occurred in January 2006. Of the 31 applications screened, only six scored five or more points out of a total of ten points. Of the six, only two accepted an interview for the position. The best performing employees generally have a business, finance, or accounting degree.

The SSA specification allows any major with a preference for public or business administration, accounting, economics, political or social science, or law. While the proposed minimum qualifications are similar, a preference for a major in business administration, accounting, real estate, economics, finance, or construction management coupled with focused recruitment efforts for a class that specifically describes Cal Mortgage's jobs will result in greater recruitment success. In addition, the minimum qualifications are consistent with other specialized entry level classifications specific to business and finance related minimum requirements for similar jobs. A specialized college entry level class is proposed to enable Cal Mortgage to focus recruiting efforts on candidates who have an interest and/or background in finance/banking.

Title changes

The current title of Construction Financing is proposed to be changed to Health Facility Construction Financing to more accurately describe the Cal Mortgage program and the Cal Mortgage jobs. The Construction Representative class is proposed to be changed to Associate Health Facility Construction Financing Analyst to better reflect the analytical nature of the jobs. The specialist concept, which was used in the Construction

Financing Specialist classification will continue to be used in the re-titled Health Facility Construction Financing Specialist classification. Similarly, the use of Officer in the proposed new of Health Facility Construction Financing Officer class is based on similarly titled classes at CalHFA at comparable levels.

New specialist/expert level classification: Senior Health Facility Construction Financing Specialist

The proposed Senior Health Facility Construction Financing Specialist classification is needed to describe increased complexities of the work which are not reflected in the current specification. This new Senior level is distinguished from the existing Specialist class by assignments with the most difficult and complex projects with the highest program and financial risk and the responsibility for a program specialty such as bankruptcy proceedings, program evaluation and planning (actuarial analyses of the loan portfolio and development of the State Plan), receiverships, statewide marketing or complex financing techniques. The most difficult and complex projects with the highest financial and program risk include:

- a) Projects of \$50 million or more;
- b) Multi-level facilities including projects with initial fill-up risk;
- c) Projects with highly complex financing structures such as variable rates, derivatives, swaps, or wraps;
- d) Projects with two or more financial partners;
- e) Projects requiring highly complex and difficult negotiations with investment bankers, bond counsel, CEO's, CFO's, or boards of directors;
- f) Projects for start-up corporations;
- g) Large construction projects;
- h) Projects with the highest risk of failure; or
- i) Projects with unsophisticated management or boards of directors

The current specification describes the Specialist level as one which is typically assigned projects that are multi-level, \$5 million or more, complicated financing proposals, politically sensitive, or projects requiring high level interaction with the bank and bond financing communities, legislature, or the administration. Currently, however, several positions are responsible for loans valued between \$40 and \$130 million that are politically sensitive, multi-level, complicated and require high level negotiations with the bank or bond communities. In addition, more sophisticated and complex financing techniques such as derivatives, variable rate structures and swaps; bankruptcies, and the need for bi-annual actuarial studies, research and legislative reports concerning problem projects, program evaluation and industry trends have increased significantly in the last ten years. All of these represent a higher level of risk, complexity and responsibility that was not anticipated in 1985 when the specification was last revised and subsequently created a need for a new, higher level classification to recognize this "expert" level of work.

CLASSIFICATION CONSIDERATIONS:

1. What classification(s) does the subject class (es) report to?

The current Construction Financing Representative and Specialist classes report to the Construction Financing Supervisor classification. The CF Supervisor class reports to the Deputy Director. The proposed HFCF Analyst, Associate, Specialist and Senior HFCF Specialist classes will report to the revised and re-titled CF Supervisor (HFCF Officer) classification. However, a Senior Specialist position may report to the Deputy Director. The proposed HFCF Officer will report to the Deputy Director.

2. Will the subject class (es) supervise? If so, what class (es)?

The HFCF Officer classification will supervise HFCF Analyst, Associate, Specialist and Senior Specialist classifications. The Deputy Director will supervise the HFCF Officer classification.

3. What are the specific duties of the subject class (es)?

The HFCF Analyst, Associate HFCF Analyst, HFCF Specialist and Senior HFCF Specialist classes perform economic, financial and community need analyses on proposed loan guarantees for the construction,

improvement, acquisition or expansion of health facilities that are in medically underserved areas, promote access to primary care, provide service to people with special needs or promote health care in rural areas; recommend strategies to the deputy director and director for resolving defaulted loans and supervise the performance of borrower's management during the implementation of financial turnaround plans; negotiate the terms and conditions of each insured loan transaction including the type and amount of the loan, loan collateral, loan security issues, and regulatory agreements between borrowers and the state; approve the financing structure of the transaction and the pricing of the proposed bond issue; disburse funds for construction projects, and monitor the borrower's performance in repaying the insured debt over the life of the loan guarantee.

The HFCF Officer is the supervisory level of this series. Incumbents plan, organize, and direct program, administrative and support staff and may personally perform the most complex and politically sensitive project activities.

4. What is the decision making responsibility of the subject class (es)?

HFCF Analyst: Under close supervision, incumbents exercise a moderate degree of independent judgment in assigned decision making responsibilities but have no authority to make independent decisions.

Associate HFCF Analyst: Under general supervision, incumbents exercise a high degree of independent judgment in assigned decision making responsibilities but have limited independent decision making authority.

HFCF Specialist: Under general direction, incumbents exercise a high degree of independent judgment and advanced decision making authority with respect to a healthcare corporation who has a state insured loan(s). This may include the review and approval of the acquisition and disposition of corporate real property; hiring of appraisers, construction project managers, and financial consultants or Certified Public Accountants; approval/disapproval of construction payments for construction projects as well as approval/disapproval of property, casualty, flood, and earthquake insurance coverage limits for the corporation.

Senior HFCF Specialist: Under general direction, incumbents exercise the most advanced level of expertise within a program specialty, and independently perform the most complex and politically sensitive project activities.

HFCF Officer: Under general direction, with wide latitude for independent judgment, incumbents plan, organize, and direct program, administrative and support staff.

5. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)

Improper or poor judgment by incumbents in these classes could result in critical and needed health facilities not getting built, a significant reduction in access to health care particularly in medically underserved communities, and significant monetary losses in the hundreds of millions to the State's General Fund if guaranteed loans default and cannot be paid from HFCLIF reserves.

6. What are the analytical requirements expected of incumbents in the subject class(es)?

Incumbents in these classes perform economic, financial and community need analyses on proposed loan guarantees for the construction, improvement, acquisition or expansion of health facilities that are in medically underserved areas; promote access to primary care; provide service to people with special needs or promote health care in rural areas; negotiate the terms and conditions of each insured loan transaction including the type and amount of the loan, loan collateral, loan security issues, and regulatory agreements between borrowers and the state; approve the financing structure of the transaction and the pricing of the proposed bond issue; disburse funds for the construction project and monitor the borrower's performance in repaying the insured debt over the life of the loan guarantee.

The analytical requirements expected of incumbents include: analyzing the assumptions used in financial feasibility studies; evaluating market demand studies; evaluating and analyzing an applicant's financial capacity to undertake a project including liquidity, equity and cash flow; evaluating project and property acquisition costs; analyzing the historical financial performance of applicants; reviewing and analyzing the value of corporation assets; reviewing zoning, conditional use and environmental compliance issues; assessing the community benefit of the project; assessing the strengths and weaknesses of applicant's management and board of directors; analyzing construction costs and financing alternatives; analyzing financial markets and indices that impact variable rates and derivative values; verifying onsite construction progress and approving the disbursement of construction progress payments; reviewing and analyzing reasons for debt service payment problems including the performance and abilities of the borrower's executive staff; recommending corrective actions for financial defaults including changes to operating and financial policies, refinancing or selling assets, hiring outside consultants, replacing management or members of the board of directors; and participating in foreclosure or bankruptcy proceedings.

7. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

The type and level of contacts include CEO's, CFO's, controllers, chief accountants and boards of directors of health facility corporations (hospitals, clinics, retirement facilities, SNF's, etc.); financial advisors; bond, underwriter and corporate counsel; investment bankers; management consultants and boards of trustees; investment rating agencies; appraisers; feasibility consultants; the State Treasurer's Office; city, county and State officials; and elected representatives.

The purpose of these contacts include: the discussion and negotiation of loan terms, loan closings, tax issues, financial problems, financial trends, cash flow problems, feasibility studies, community needs for services, goals and conditions of new or refinanced bond issues, covenants and requirements in a wide variety of legal documents, operational problems, financing structures or problems and bankruptcy issues.

NEED FOR NEW CLASS (if necessary)

8. For New classes only: what existing classes were considered and why were they not appropriate?

The Staff Services Analyst classification was considered because it is currently being used to recruit at the entry level. However, its success has been limited. It is hoped that greater success recruiting recent college graduates interested in and with the knowledge and abilities for a professional position in finance will be achieved using a class that more accurately describes the duties and responsibilities of the Cal Mortgage jobs.

The Housing Finance series used at CalHFA, the Housing and Community Representative series used at the Department of Housing and Community Development, the Health Program Advisor series used at OSHPD, the Treasury Officer series used by the Treasurer's Office and the Loan Officer series used at the Integrated Waste Management Board were considered for the Senior Health Facility Construction Financing Specialist class and found to be inappropriate because none of these other departmental classifications adequately describe the unique duties and responsibilities performed by the program staff at the Cal Mortgage Loan Program.

9. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate?

The proposed MQs are consistent with the MQs of comparable staff services classes and the current Construction Financing classes.

ALL LEVELS

Education: The following education is required when non-California state service experience is used to qualify at any level.

Equivalent to graduation from college, preferably with a major in business administration, accounting,

real estate, economics, finance, or construction management. Technical or analytical experience in one or a combination of the following may be substituted for the required education on the basis of one year of experience equals one year of college education:

1. Construction or mortgage loan underwriting, originating, processing, closing or evaluating lender or borrower performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association or comparable federal or state agency.
2. Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.
3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

HEALTH FACILITY CONSTRUCTION FINANCING ANALYST

Equivalent to graduation from college, preferably with a major in business administration, accounting, real estate, economics, finance, or construction management. Technical or analytical experience in one or a combination of the following may be substituted for the required education on the basis of one year of experience equals one year of college education:

1. Construction or mortgage loan underwriting, originating, processing, closing or evaluating lender or borrower performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association or comparable Federal or State agency.
2. Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.
3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

ASSOCIATE HEALTH FACILITY CONSTRUCTION FINANCING ANALYST

Either I

One year of experience in the California state service performing financial analyses of health facilities or other large facilities in a class with a level of responsibility equivalent to a Health Facility Construction Financing Analyst, Range C.

Or II

Experience: Two years of technical or analytical experience in one or a combination of the following:

1. Construction or mortgage loan underwriting, originating, processing, closing or evaluating lender or borrower performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association or comparable Federal or State agency.
2. Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.

3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

Experience in the California state service applied towards this pattern must include at least one year in a class with a level of responsibility equivalent to a Health Facility Construction Financing Analyst, Range C.

(A master's degree or higher in business administration, accounting, real estate, economics, finance, construction management or possession of a valid certificate issued by the California State Board of Accountancy to practice as a Certified Public Accountant may be substituted for one year of the required experience.)

HEALTH FACILITY CONSTRUCTION FINANCING SPECIALIST

Either I

One year of experience in the California state service performing the duties of an Associate Health Facility Construction Financing Analyst.

Or II

Experience: Three years of technical or analytical experience in one or a combination of the following:

1. Construction or mortgage loan underwriting, originating, processing, closing or evaluating lender or borrower performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association or comparable Federal or State agency.
2. Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.
3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

Experience in the California state service applied towards this pattern must include at least one year performing the duties of an Associate Health Facility Construction Financing Analyst.

(A master's degree or higher in business administration, accounting, real estate, economics, finance, construction management or possession of a valid certificate issued by the California State Board of Accountancy to practice as a Certified Public Accountant may be substituted for one year of the required experience.)

SENIOR HEALTH FACILITY CONSTRUCTION FINANCING SPECIALIST

Either I

One year of experience in the California state service performing the duties of a Health Facility Construction Financing Specialist.

Or II

Two years of experience in the California state service performing the duties of an Associate Health Facility Construction Financing Analyst.

Or III

Four years of technical or analytical experience in one or a combination of the following:

1. Construction or mortgage loan underwriting, originating, processing, closing or evaluating lender or borrower performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association or comparable Federal or State agency.
2. Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.
3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

Experience in the California state service applied towards this pattern must include at least one year performing the duties of a Health Facility Construction Financing Specialist or two years of experience performing the duties of an Associate Health Facility Construction Financing Analyst.

(A master's degree or higher in business administration, accounting, real estate, economics, finance, construction management or possession of a valid certificate issued by the California State Board of Accountancy to practice as a Certified Public Accountant may be substituted for one year of the required experience.)

HEALTH FACILITY CONSTRUCTION FINANCING OFFICER

Either I

One year of experience in the California state service performing the duties of a Senior Health Facility Construction Financing Specialist.

Or II

Two years of experience in the California state service performing the duties of a Health Facility Construction Financing Specialist.

Or III

Five years of technical or analytical experience in one or a combination of the following:

1. Construction or mortgage loan underwriting, originating, processing, closing or evaluating lender or borrower performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association or comparable Federal or State agency.
2. Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.
3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

Experience in California state service applied towards this pattern must include at least one year performing the duties of a Senior Health Facility Construction Financing Specialist, or two years of experience performing the duties of a Health Facility Construction Financing Specialist.

(A master's degree or higher in business administration, accounting, real estate, economics, finance, construction management or possession of a valid certificate issued by the California State Board of Accountancy to practice as a Certified Public Accountant may be substituted for one year of the required experience.)

PROBATIONARY PERIOD (6 months)

10. If a probationary period other than six months is proposed, what is the rationale?

A 12 month probationary period is proposed for Senior HFCF Specialist. This is consistent with the probationary period for the Housing Finance expert level class, and is consistent with other expert levels in State service. The additional six months of evaluation is needed as the highly technical and complex assignments of these classes require twelve or more months to complete.

The probationary period for the HFCF Analyst deep class is 12 months, which is consistent with the servicewide class of Staff Services Analyst (General).

11. What is the impact on current incumbents?

There is no negative impact on current incumbents. SSA's will be moved to the HFCF Analyst classification by State Personnel Board action. Incumbents at SSA (General) Range A will be reallocated to HFCF Analyst Range A; incumbents at SSA (General) Range B will be reallocated to HFCF Analyst Range B, and incumbents in SSA (General) Range C will be reallocated to HFCF Analyst Range C.

Incumbents in the Construction Financing Representative class will remain in their re-titled class of Associate HFCF Analyst.

Incumbents in the Construction Financing Specialist class will remain in their re-titled class of HFCF Specialist. The incumbents in the Construction Financing Supervisor class will remain in their re-titled class of HFCF Officer.

Appointments to the class of Senior HFCF Specialist will be by examination.

The Senior Health Facility Construction Financing Specialist will be assigned Work Week Group E.

12. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.

All employees will remain in their classes except for the SSA's. SSA's will be reallocated as indicated above.

Appointments to Senior HFCF Specialist will be by examination.

CONSULTED WITH

13. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

David Carlisle, M.D., Ph.D., Director of OSHPD, Bob David, Chief Deputy Director and Dale Flournoy, Deputy Director, Cal Mortgage program were consulted during the development of this proposal.

In addition, interviews were conducted with and Position Description Questionnaires were completed by:

Tacia Carroll, Construction Financing Supervisor
 Carl McLaney, Construction Financing Supervisor
 George Fibrance, Health Planning Specialist II
 Gary Evans, Construction Financing Specialist
 Warren Heringer, Construction Financing Specialist
 Justine Gartell, Construction Financing Specialist
 Nathan Davis, Construction Financing Representative
 Don Morey, Staff Counsel

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6/8/06
2/22/07

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CALIFORNIA STATE PERSONNEL BOARD
SPECIFICATION

HEALTH FACILITY CONSTRUCTION FINANCING
Series Specification
(Established February 4, 1976)

SCOPE

This series specification describes ~~program supervisor and analytical staff positions administering the Health Facility Loan and California Mortgage Loan Insurance Program, in the Office of State Health Planning and Development~~ five classifications used by the California Health Facility Construction Loan Insurance Program in the Office of Statewide Health Planning and Development to guarantee loans and bonds for health facilities that demonstrate community need.

| <u>Schem</u> <u>Code</u> | <u>Class</u> <u>Code</u> | <u>Class</u> |
|-----------------------------|-----------------------------|--|
| KX68 | 5084 | Health Facility Construction Financing Analyst |
| KX66 | 5119 | Associate Health Facility Construction Financing Representative Analyst |
| KX63 | 5124 | Health Facility Construction Financing Specialist |
| KX61 | 5184 | Senior Health Facility Construction Financing Specialist |
| KX60 | 5118 | Health Facility Construction Financing Supervisor Officer |

DEFINITION OF SERIES

This class series describes professional work involving the analysis of requests for mortgage loan insurance for construction of health facilities. Incumbents in these classes determine the feasibility of proposed health facility construction; the issuance of mortgage loan insurance commitments, and the monitoring of loan payments. Specific duties may include: analysis of construction costs and financing alternatives; determination of financial feasibility; negotiation of legal and financial documents; verification of onsite construction progress and approval and disbursement of construction drawdowns; and postconstruction auditing of health facility financial performance. Incumbents in these classes perform economic, financial, and community need analyses on proposed loan guarantees for the construction, improvement, acquisition, or expansion of health facilities; negotiate the terms and conditions of each insured loan transaction including the type and amount of the loan, loan collateral, loan security issues, and regulatory agreements between borrowers and the State; market the program to eligible stakeholders; approve the financing structure of the transaction and the pricing of the proposed bond issue; approve the disbursement of funds for construction projects and to bondholders for defaulted loans and monitor the borrower's

performance in repaying the insured debt over the life of the loan guarantee. Specific duties may include: analyzing the assumptions used in financial feasibility studies; evaluating market demand studies; evaluating and analyzing an applicant's financial capacity to undertake a project including liquidity, equity, and cash flow; evaluating project and property acquisition costs; analyzing the historical financial performance of applicants; reviewing and analyzing the value of corporation assets; reviewing zoning, conditional use, and environmental compliance issues; assessing the community benefit of the project; assessing the strengths and weaknesses of applicant's management and board of directors; analyzing construction costs and financing alternatives; verifying onsite construction progress and approving the disbursement of construction progress payments; reviewing and analyzing reasons for debt service payment problems including the performance and abilities of the borrower's executive staff; recommending corrective actions for financial defaults including changes to operating and financial policies, refinancing or selling assets, hiring outside consultants, or replacing management or members of the board of directors; and participating in foreclosure or bankruptcy proceedings.

FACTORS AFFECTING POSITION ALLOCATION

In this series allocation factors include: scope of responsibility assigned; complexity of the work; independence of action; responsibility for program development and coordination; impact of decisions on statewide program; and degree of supervision exercised. Typically, Construction Financing Specialists will be given those assignments involving (1) multilevel facilities; (2) projects of \$5 million and greater; (3) complicated financing proposals; (4) politically sensitive projects; (5) projects requiring high level interaction with the banking and bonding community, the Legislature, and/or the administration. Complexity and scope of responsibility; independence of action and decision-making authority; responsibility for program development and coordination; impact of decisions on statewide program; consequence of error (e.g. the financial risk of granting loan insurance); level of specialized, technical expertise required; degree and type of involvement with investment bankers, financial consultants, attorneys, boards of directors, and corporation's senior executives; complexity of the project financing structures; and degree of project sensitivity. Project size and supervision are not the primary criteria in allocating positions.

DEFINITION OF LEVELS

HEALTH FACILITY CONSTRUCTION FINANCING ANALYST

This is the entry, training, and first working level of the series. Under close supervision, incumbents are assigned duties and

responsibilities commensurate with their backgrounds and abilities and perform work of average difficulty when assigned the more routine projects or when assisting on the more complex projects. This includes analyzing and evaluating feasibility studies and the applicant's financial capacity (liquidity, equity, and cash flow) to undertake the project.

CONSTRUCTION FINANCING REPRESENTATIVE ASSOCIATE HEALTH FACILITY CONSTRUCTION FINANCING ANALYST

Under general supervision, incumbents determine eligibility and develop fully documented applications for health facilities loan and California Loan insurance; analyze fiscal and legal documents necessary to complete loan and mortgage insurance projects and assure that loan payments are made by the borrower. May act as a leadperson or team leader. This is the journey-level of this series. Under general supervision, incumbents perform responsible analytical and technical health facility construction finance duties. Incumbents at this level perform all phases of work involved in the analysis of requests for loan insurance including developing fully documented applications; analyzing financial and legal documents and information necessary to assure sufficient financial ability to repay the loan; issuing loan insurance commitments; closing escrow for the insured loan; approving construction payments to the contractor and others; monitoring loan payments to the trustee; and developing a course of action in case of a default.

HEALTH FACILITY CONSTRUCTION FINANCING SPECIALIST

This is a nonsupervisory class where incumbents are assigned the responsibility of highly complex or sensitive applications. Under general supervision of a Construction Financing Supervisor independently performs all phases of work involved in the analysis of requests for mortgage loan insurance for construction of health facilities; determining the feasibility of proposed facility construction; issuing mortgage loan insurance commitments; monitoring loan payments; and developing a course of action in cases of default. This is the staff specialist level of this series. Under direction, incumbents are nonsupervisory staff specialists who are assigned the more sensitive, complex, and higher risk projects that typically involve multi-level facilities, \$10-50 million, complicated financing, unreliable funding sources, or unsophisticated management or boards of directors; work independently; and may act as team leaders.

SENIOR HEALTH FACILITY CONSTRUCTION FINANCING SPECIALIST

This is the program expert level of this series. Under general direction, incumbents are nonsupervisory program experts who are

assigned the most difficult and complex or sensitive projects with the highest program and financial risk that typically involve \$50 million or more, multi-level facilities with initial fill up risk, highly complex financing structures such as derivatives, swaps, or wraps, complex and difficult negotiations with investment bankers, bond counsel, CEO's or boards of directors, and projects with the highest risk of failure; work independently; are responsible for a major program specialty such as bankruptcy proceedings, receiverships, program evaluation and planning (actuarial analyses of loan portfolio and development of the State Plan), or statewide marketing and have the most advanced level of expertise within this program specialty; perform the most complex and politically sensitive project activities; and may act as project leaders.

HEALTH FACILITY CONSTRUCTION FINANCING SUPERVISOR OFFICER

Under general direction, with latitude for independent judgment, the incumbent plans, organizes, directs, and coordinates the activities of a technical staff involved in the analysis of applications for Health Facilities Loans and California Loan Insurance. Responsibilities include training, assigning and reviewing work and performance evaluation. Incumbents may personally perform the most complex and politically sensitive project activities. This is the supervisory level of this series. Under general direction, with wide latitude for independent judgment, incumbents plan, organize, and direct program, administrative, and support staff; assist the deputy director in the overall management of the Cal-Mortgage Loan Insurance Division; are responsible for advising the deputy director on all program policies and procedures as well as all applications for loan insurance; and act as the deputy director in his/her absence.

MINIMUM QUALIFICATIONS

ALL LEVELS:

Education: The following education is required when non-California state service experience is used to qualify at any level.

Equivalent to graduation from college, preferably with a major in business administration, accounting, real estate, economics, finance, or construction management. Technical or analytical experience in one or a combination of the following may be substituted for the required education on the basis of one year of experience equals one year of college education:

1. Construction or mortgage loan underwriting, originating, processing, closing, or evaluating lender or borrower performance

with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association, or comparable Federal or State agency.

2. Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.
3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

HEALTH FACILITY CONSTRUCTION FINANCING ANALYST

Equivalent to graduation from college, preferably with a major in business administration, accounting, real estate, economics, finance, or construction management. Technical or analytical experience in one or a combination of the following may be substituted for the required education on the basis of one year of experience equals one year of college education:

1. Construction or mortgage loan underwriting, originating, processing, closing, or evaluating lender or borrower performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association, or comparable Federal or State agency.
2. Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.
3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

ASSOCIATE HEALTH FACILITY CONSTRUCTION FINANCING REPRESENTATIVE ANALYST

Either I

One year of experience in the California state service performing financial analyses of health facilities or other large facilities in a class with a level of responsibility equivalent to ~~Staff Services Analyst, Range C~~ a Health Facility Construction Financing Analyst, Range C.

Or II

Experience: Three Two years of progressively responsible mortgage loan and construction technical or analytical experience in one or a combination of the following:

1. ~~A commercial bank, savings and loan association, insurance company, pension fund, construction company, or similar institution~~ Construction or mortgage loan underwriting, originating, processing, closing, or evaluating lender or borrower performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association, or comparable Federal or State agency.
2. ~~The Federal Housing Administration, Veteran Administration, Federal National Mortgage Association, or comparable Federal or State agency~~ Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.
3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

Experience in the California state service applied towards this pattern must include at least one year in a class with a level of responsibility equivalent to a Health Facility Construction Financing Analyst, Range C.

~~(A graduate degree in business administration, economics, architecture, finance, law, or engineering may be substituted for one year of the required experience.)~~ and

Education: ~~Equivalent to graduation from college, preferably with specialization in business administration, architecture, engineering, economics, finance, or law. (Additional qualifying experience may be substituted for the required education on a year for year basis.)~~

(A master's degree or higher in business administration, accounting, real estate, economics, finance, construction management, or possession of a valid certificate issued by the California State Board of Accountancy to practice as a Certified Public Accountant may be substituted for one year of the required experience.)

HEALTH FACILITY CONSTRUCTION FINANCING SPECIALIST

Either I

One year of experience in the California state service performing the duties of a Construction Financing Representative an Associate Health Facility Construction Financing Analyst.

Or II

Experience: Broad and extensive (more than four years) responsible construction and mortgage loan Three years of technical or analytical experience in one or a combination of the following:

1. ~~A commercial bank, mortgage bank, savings and loan association, insurance company, pension fund, construction company, or similar institution with primary responsibility for large institutional and commercial building financing and~~ Construction or mortgage loan underwriting, originating, processing, closing, or evaluating lender or borrower performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association, or comparable Federal or State agency.
2. ~~The Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, or comparable Federal or State agency~~ Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.
3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

Experience in the California state service applied towards this pattern must include at least one year performing the duties of an Associate Health Facility Construction Financing Analyst.

~~(A graduate degree in business administration, economics, architecture, finance, law, or engineering may be substituted for one year of the required experience.)~~ and

~~Education: Equivalent to graduation from college, preferably with specialization in business administration, architecture, engineering, economics, finance, or law. (Additional qualifying experience may be substituted for the required education on a year for year basis.)~~

(A master's degree or higher in business administration, accounting, real estate, economics, finance, construction management, or possession of a valid certificate issued by the California State Board of Accountancy to practice as a Certified Public Accountant may be substituted for one year of the required experience.)

SENIOR HEALTH FACILITY CONSTRUCTION FINANCING SPECIALIST

Either I

One year of experience in the California state service performing the duties of a Health Facility Construction Financing Specialist.

Or II

Two years of experience in the California state service performing the duties of an Associate Health Facility Construction Financing Analyst.

Or III

Four years of technical or analytical experience in one or a combination of the following:

1. Construction or mortgage loan underwriting, originating, processing, closing, or evaluating lender or borrower performance with an institutional lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association, or comparable Federal or State agency.
2. Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.
3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

Experience in the California state service applied towards this pattern must include at least one year performing the duties of a Health Facility Construction Financing Specialist or two years of experience performing the duties of an Associate Health Facility Construction Financing Analyst.

(A master's degree or higher in business administration, accounting, real estate, economics, finance, construction management, or possession of a valid certificate issued by the California State Board of Accountancy to practice as a Certified Public Accountant may be substituted for one year of the required experience.)

HEALTH FACILITY CONSTRUCTION FINANCING SUPERVISOR OFFICER

Either I

One year of experience in the California state service performing the duties of a Senior Health Facility Construction Financing Specialist.

Or II

Two years of experience in the California state service performing the duties of a Health Facility Construction Financing Representative Specialist.

Or III

~~Experience: Broad and extensive (more than five years) responsible construction and mortgage loan experience including at least two years of managerial~~ Five years of technical or analytical experience in one or a combination of the following:

1. A commercial bank, mortgage bank, savings and loan association, insurance company, pension fund, construction company, or similar institution with primary responsibility for large institutional and commercial building financing and Construction or mortgage loan underwriting, originating, processing, closing, or evaluating lender or borrower performance with an institutional

lender or investor, Federal Housing Administration, Veteran's Administration, Federal National Mortgage Association, or comparable Federal or State agency.

2. The Federal Housing Administration, Veterans Administration, Federal National Mortgage Association, or comparable Federal or State agency Managing investment portfolios including the responsibilities for investment decisions or recommendations, research, credit analyses, and due diligence for retirement plans, corporations, or public jurisdictions.
3. Serving as the financial advisor in a managerial capacity for a corporation, retirement plan, or public jurisdiction.

Experience in the California state service applied towards this pattern must include at least one year performing the duties of a Senior Health Facility Construction Financing Specialist or two years of experience performing the duties of a Health Facility Construction Financing Specialist.

~~(A graduate degree in business administration, economics, finance, architecture, engineering, or law may be substituted for one year of the required experience.) and~~

~~Education: Equivalent to graduation from college, preferably with specialization in business administration, economics, finance, architecture, engineering, or law. (Additional qualifying experience may be substituted for the required education on a year for year basis.)~~

(A master's degree or higher in business administration, accounting, real estate, economics, finance, construction management, or possession of a valid certificate issued by the California State Board of Accountancy to practice as a Certified Public Accountant may be substituted for one year of the required experience.)

KNOWLEDGE AND ABILITIES

ALL LEVELS:-

Knowledge of: Purpose and functions of institutional facilities eligible for California facility loans or loan insurance programs; trends in the development and utilization of health and other institutional facilities in California; methods of debt financing for health and other institutional facilities; provisions of California laws and regulations governing facility loans and loan insurance programs; health and other institutional organization and operations; medical terminology utilized in developing health facility financing;

~~familiarity with legal and financial documents utilized in facility debt financing; construction documents and procedures; and cashflow estimating documents.~~

~~Ability to: Analyze and interpret a wide variety of construction, financial, and legal documents utilized in determining eligibility for institutional facilities loan or loan indemnifications; interpret and apply regulations and policies covering California loan and loan insurance programs and State and local construction requirements; and establish and maintain effective working relationships with representatives of health and other institutional facilities, financing institutions, and legal and construction representatives.~~

HEALTH FACILITY CONSTRUCTION FINANCING ANALYST

Knowledge of: Programs, policies, and organization of the California Health Facility Construction Loan Insurance Program; computer software for financial and investment analyses; financial feasibility study research methods and techniques.

Ability to: Learn and apply technical construction loan finance methods and procedures; establish and maintain cooperative relationships and effective communications; prepare clear and concise reports; analyze and evaluate data and information accurately and draw sound conclusions; reason logically; perform computations accurately; consult with others on construction finance matters; and analyze and interpret financial statements and use word processing and spread sheet software programs.

CONSTRUCTION FINANCING SPECIALIST

Knowledge of: All of the above, and a good understanding of the department's policies, objectives, and program constraints.

Ability to: All of the above, and independently prepare and complete complex assignments or projects with minimum supervision.

ASSOCIATE HEALTH FACILITY CONSTRUCTION FINANCING ANALYST HEALTH FACILITY CONSTRUCTION FINANCING SPECIALIST SENIOR HEALTH FACILITY CONSTRUCTION FINANCING SPECIALIST

Knowledge of: In addition to those listed above, purpose and functions of health facilities eligible for California Health Facility Loan Insurance; trends in the development and utilization of health facilities in California; methods and trends of debt financing for health facilities; California laws and regulations governing loan insurance programs; principles and practices of the effective management of health facilities; loan and bond finance terminology used in health facility financing; health facility revenue sources and reimbursements; legal and financial documents used in debt financing; cash flow estimating; principles and practices of the securities

industry; construction financing and document management; principles, methods and procedures involved in the cost estimates, financing, and construction of health facilities; principles and practices of real estate mortgage lending; real estate law; basic accounting principles and procedures; commercial appraisal methods; principles and practices of buying, selling, financing, leasing, repossessing, foreclosing, and managing of real property; state and federal environmental laws, debt financing methods including new money project financing, refunding/refinancing, fixed and variable rate financing methods, crossover refundings, and derivative products; and departmental objectives, policies, and procedures.

Ability to: In addition to those listed above, analyze and interpret a wide variety of construction, financial, and legal documents and studies used in determining eligibility for health facility loans; interpret and apply State loan insurance regulations and policies governing the Cal Mortgage Loan Insurance program; analyze and monitor financial markets and indices that impact variable rates and derivative values; establish and maintain effective working relationships with health facility management, investment bankers, attorneys, contractors, and developers; work independently; use specialized financial tracking software programs; analyze financial information from audited and company prepared financial statements; successfully negotiate loan insurance documents with program applicants, underwriters, and commercial banks; analyze data affecting cost, value, financial condition, and marketability of health facility properties and operations and draw sound conclusions; understand and critique applicants' financial feasibility study assumptions, liquidity, cash flow, and financial solvency; interpret market area demand analyses; analyze historical financial performance; assess the proposed project with respect to its benefit to the community; identify and analyze operational performance and loan payment problems; and apply and modify program underwriting policies and standards as needed due to changing financial market conditions.

HEALTH FACILITY CONSTRUCTION FINANCING SUPERVISOR OFFICER

Knowledge of: All of the above, and principles and practices of effective supervision; and the Department's Affirmative Action Program objectives; a supervisor's role in the Affirmative Action Program and the processes available to meet affirmative action objectives. In addition to those listed above, State policies regarding equal employment opportunity; a supervisor's responsibility for promoting equal opportunity in hiring, employee development, promotion, and for maintaining a work environment that is free of discrimination and harassment; principles of personnel management, and employee supervision and development; and budget and procurement procedures.

Ability to: All of the above, and recognize deficiencies in law or department regulations and policies relative to health and other institutional facility loan and loan insurance programs and recommend effective corrective action; supervise the establishment and maintenance of a complete record-keeping system; and effectively

~~contribute to the Department's affirmative action objectives. In addition to those listed above, evaluate current Agency program operations and make recommendations for improvement; plan, organize, and direct the work of others; review and edit technical reports; and effectively promote equal opportunity in employment, and maintain a work environment that is free of discrimination and harassment.~~

SPECIAL PERSONAL CHARACTERISTICS

~~ALL LEVELS:~~

~~Ability to deal tactfully with representatives from a wide variety of health facilities and financial institutions in the development of direct loans and California Loan Insurance Projects.~~

ADDITIONAL DESIRABLE QUALIFICATIONS

ALL LEVELS:

~~In appraising the relative qualifications of candidates, consideration will be given to pertinent training and accreditation over and above that required under the minimum qualifications such as that represented by:~~

~~Advanced degree in business administration or finance, real estate brokers license, study or contract law.~~

~~Experience gained in mortgage loan administration with a commercial bank or savings and loan association.~~

~~Experience gained in the management of construction company involved with large public or private health facility projects.~~

~~Possession of certificates of education or special training in one or a combination of health facilities financing, mortgage, banking, or previous experience in the California Health Facility Loan or Loan Insurance Program.~~

Advanced degrees in business administration, accounting, real estate, economics, finance, or construction management.

Experience in mortgage loan administration with a commercial bank or a savings and loan association.

Management experience with a construction company involved with public or private health facility projects.

Management experience with a large health facility.

Possession of certificates of education or special training in one or

a combination of health facilities financing, mortgage, or commercial banking, accounting, real estate, or insurance.

CLASS HISTORY

| <u>Class</u> | <u>Date Established</u> | <u>Date Revised</u> | <u>Title Changed</u> |
|--|-----------------------------|-------------------------|--------------------------|
| <u>Health Facility Construction Financing Analyst</u> | | -- | -- |
| <u>Associate Health Facility Construction Financing Representative Analyst</u> | 2/4/76 | 11/17/92 | -- |
| <u>Health Facility Construction Financing Specialist</u> | 2/5/85 | 11/17/92 | -- |
| <u>Senior Health Facility Construction Financing Specialist</u> | | -- | -- |
| <u>Health Facility Construction Financing Supervisor Officer</u> | 2/4/76 | 11/17/92 | 11/17/92 |

500

(Cal. 07/10/07)

MEMO TO : STATE PERSONNEL BOARD

FROM : MIKE STRAZZO, Merit Employment and
Technical Resources Division

SUBJECT : Staff Calendar Items for Board Information

NONE PRESENTED